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March 1, 2024

VIA ECF

Hon. Andrew L. Carter, Jr.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: G.D., et al. v. New York City School Dist., 23-cv-9743 (ALC)(SLC)

Dear Judge Carter:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiffs seek solely attorneys' fees, costs, and expenses for legal work on an administrative proceeding under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action.

I write on behalf of all parties to request a 180-day stay to August 26, 2024 for the reasons set forth below. This is the second request to stay.¹ At the February 26 pre-motion conference held before Judge Cronan for *R.C. et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9727, Defendant withdrew its request for leave to file a motion for consolidation pursuant to Rule 42(a). However, Judge Cronan granted the parties' joint request for a 180-day stay of that case until August 26, after the parties explained that they would seek 180-day stays across all the 32 cases, and then work together to avoid any motion practice or appearances in any of the 32 cases. Both sides expressed a high level of confidence that the 32 cases could all be globally resolved on the same timeline. We note that, today, Judge Liman also granted a 180-day stay in another of these cases (*M.S. et al. v. New York City School Dist.*, 23-cv-9751 (ECF 17)). Additionally, both Judge Torres and Judge Schofield granted 180-day extensions in *G.P. et al. v. New York City School Dist.*, 23-9750 (AT) (ECF 18), *K.M. et al. v. N.Y.C. Dep't of Educ.*, 23-9766 (AT) (ECF 18); and *S.I. et al. v. N.Y.C. Dep't of Educ.*, 23-9773 (LGS) (ECF 11), *E.L. et al. v. N.Y.C. Dep't of Educ.*, 23-9763 (LGS) (ECF 11).

The parties assert that these circumstances are exceptions in several ways warranting the requested 180-day stay: as both sides explained to Judge Cronan at the Feb. 26 conference: (a) due

¹ On February 16, 2024, Your Honor granted a stay of the case pending resolution of the motion to consolidate in *R.C.*, 23-9727 (ECF 8).

to an administrative issue within Plaintiff's counsel's firm, these fee claims were unintentionally not presented to the DOE for administrative settlement; (b) all 32 cases had to be filed before the statute of limitations had run; (c) the DOE historically has resolved all fee claims presented by the Skyer Law Firm avoiding federal fees actions; and (d) as Defendant's counsel noted, a review of the billing in a few of the Skyer cases reveals that they are much more reasonable than billing records submitted by some other IDEA law firms who take many cases into motion practice.

The parties are hopeful to obtain stays in the remaining 26 cases, and note further that, if the parties are unable to keep all 32 cases on a global settlement track, that will compound the work that will go into the process, drive up further billable hours in some cases and not in others, and all of this underscores the reasons we were hopeful we could achieve consolidation.

For these reasons, the parties respectfully request a stay of this case for 180 days to August 26, 2024, with a joint status letter due Aug. 26 informing the Court on the progress of settlement discussions and proposing next steps, if any are needed.

Thank you for considering this request.

Respectfully submitted,
/s/ Marina Moraru

Marina Moraru, Esq.
Special Assistant Corporation Counsel

cc: Jesse Cole Cutler, Esq. (via ECF)

Andrew L. Carter, Jr.
SO ORDERED:
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2024

New York,

NY